

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION

This document relates to:  
*The County of Summit, Ohio, et al. v. Purdue  
Pharma L.P., et al.*  
Case No. 18-op-45090

and

*The County of Cuyahoga v. Purdue Pharma  
L.P., et al.*  
Case No. 1:18-op-45004

MDL No. 2804

Hon. Judge Dan A. Polster

**DECLARATION OF CHRISTIAN J. PISTILLI  
IN SUPPORT OF DISTRIBUTOR DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT ON PLAINTIFFS' RICO AND OCPA CLAIMS**

I, Christian J. Pistilli, declare as follows:

1. I am a partner at the law firm of Covington & Burling LLP and counsel to Defendant McKesson Corporation in this action.
2. I make this declaration to place before the Court certain materials relied on in Distributor Defendants' Motion for Summary Judgment on Plaintiffs' RICO and OCPA Claims.
3. Attached as **Exhibit 1** is a true and correct copy of excerpts from the deposition testimony of Patrick Kelly, dated May 10, 2019.
4. Attached as **Exhibit 2** is a true and correct copy of excerpts from the deposition testimony of Perry Fri, dated May 7, 2019.

5. Attached as **Exhibit 3** is a true and correct copy of excerpts from the deposition testimony of Joseph Ganley, dated July 27, 2018.

6. Attached as **Exhibit 4** is a true and correct copy of excerpts from the deposition testimony of Stacy Harper-Avilla, dated April 11, 2019.

7. Attached as **Exhibit 5** is a true and correct copy of excerpts from the deposition testimony of Christopher Zimmerman, dated August 3, 2018 and February 8, 2019.

8. Attached as **Exhibit 6** is a true and correct copy of excerpts from the deposition testimony of Gary L. Boggs, dated July 19, 2018.

9. Attached as **Exhibit 7** is a true and correct copy of excerpts from the deposition testimony of Thomas Prevoznik, dated April 17–18 and May 17, 2019.

10. Attached as **Exhibit 8** is a true and correct copy of excerpts from the deposition testimony of David A. Kessler, dated April 25–26, 2019.

11. Attached as **Exhibit 9** is a true and correct copy of excerpts from the report of Dr. Mark A. Schumacher, dated March 25, 2019.

12. Attached as **Exhibit 10** is a true and correct copy of excerpts from the deposition testimony of Mark A. Schumacher, dated April 23, 2019.

13. Attached as **Exhibit 11** is a true and correct copy of excerpts from the report of Dr. Anna Lembke, dated March 25, 2019.

14. Attached as **Exhibit 12** is a true and correct copy of excerpts from the deposition testimony of Anna Lembke, dated April 24, 2019.

15. Attached as **Exhibit 13** is a true and correct copy of excerpts from the report of Dr. Meredith Rosenthal, dated March 25, 2019.

16. Attached as **Exhibit 14** is a true and correct copy of excerpts from the deposition testimony of Meredith B. Rosenthal, dated May 4–5, 2019.

17. Attached as **Exhibit 15** is a true and correct copy of excerpts from the deposition testimony of Matthew Perri, dated April 23–24, 2019.

18. Attached as **Exhibit 16** is a true and correct copy of excerpts from the deposition testimony of Stephen Seid, dated December 12, 2018.

19. Attached as **Exhibit 17** is a true and correct copy of a document entitled “McKesson Manufacturer Marketing Product Promotional Agreement,” which was produced in discovery and is marked with Bates numbers MCKMDL00353305 through MCKMDL00353306.

20. Attached as **Exhibit 18** is a true and correct copy of excerpts from the deposition testimony of Celia Weber, dated January 25, 2019.

21. Attached as **Exhibit 19** is a true and correct copy of documents relating to a Master Services Agreement executed by Cardinal Health, Inc., which were produced in discovery and are marked with Bates numbers CAH\_MDL2804\_02958682 through CAH\_MDL2804\_02958684.

22. Attached as **Exhibit 20** is a true and correct copy of excerpts from the report of Dr. Matthew Perri, dated March 25, 2019.

23. Attached as **Exhibit 21** is a true and correct copy of excerpts from the deposition testimony of Demetra Ashley, dated March 15, 2019.

24. Attached as **Exhibit 22** is a true and correct copy of excerpts from the deposition testimony of Kyle J. Wright, dated February 28 and March 4, 2019.

25. Attached as **Exhibit 23** is a true and correct copy of excerpts from the report of Dr. Craig J. McCann, dated March 25, 2019.

26. Attached as **Exhibit 24** is a true and correct copy of excerpts from the report of James E. Rafalski dated April 15, 2019.

27. Attached as **Exhibit 25** is a true and correct copy of excerpts from the deposition testimony of Joseph Rannazzisi, dated April 26 and May 15, 2019.

28. Attached as **Exhibit 26** is a true and correct copy of excerpts from the deposition testimony of Gary L. Boggs, dated January 17, 2019.

29. Attached as **Exhibit 27** is a true and correct copy of excerpts from the deposition testimony of Jennifer R. Norris, dated August 7, 2018.

30. Attached as **Exhibit 28** is a true and correct copy of excerpts from the deposition testimony of James E. Rafalski, dated May 13–14, 2019.

31. Attached as **Exhibit 29** is a true and correct copy of a publicly available report authored by Inspector General Glenn A. Fine and sent to DEA Administrator Asa Hutchinson entitled “Review of the Drug Enforcement Administration’s Investigations of the Diversion of Controlled Pharmaceuticals, Report Number I-2002-010,” which is available at the following link: <https://oig.justice.gov/reports/DEA/e0210/final.pdf>.

32. Attached as **Exhibit 30** is a true and correct copy of excerpts from the deposition testimony of Eric A. Griffin, dated January 23, 2019.

33. Attached as **Exhibit 31** is a true and correct copy of excerpts from the deposition testimony of Chad Garner, dated November 14, 2018.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 28th day of June, 2019, in Washington, D.C.

  

---

CHRISTIAN J. PISTILLI

**CERTIFICATE OF SERVICE**

I, Geoffrey E. Hobart, hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Geoffrey E. Hobart  
GEOFFREY E. HOBART